

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>IN RE: NATIONAL PRESCRIPTION</b>	)	<b>MDL 2804</b>
<b>OPIATE LITIGATION</b>	)	
	)	<b>Case No. 1:17-md-2804</b>
<b>THIS DOCUMENT RELATES TO:</b>	)	
	)	<b>Judge Dan Aaron Polster</b>
The County of McLennan	)	
County, Texas v. Purdue	)	<b>SHORT FORM FOR</b>
Pharma, L.P., et al. Case No.	)	<b>SUPPLEMENTING COMPLAINT AND</b>
6:17-cv-00298-RP-JCM	)	<b>AMENDING DEFENDANTS AND</b>
	)	<b>JURY DEMAND</b>

**ND Ohio Member Case No.  
1:17-op-45075**

Plaintiff submits this supplemental pleading and Amended Complaint incorporating as if fully set forth herein its own prior pleadings and, if indicated below, the common factual allegations identified and the RICO causes of action included in the Corrected Second Amended Complaint and Jury Demand in the case of *The County of Summit, Ohio, et al., v. Purdue Pharma L.P., et al.*, Case No. 1:18-op-45090 (“*Summit County Pleadings*”), *In Re National Prescription Opiate Litigation*, in the United States District Court for the Northern District of Ohio, Doc. ##: 513, 514,<sup>1</sup> and as may be amended in the future, and any additional claims asserted herein. Plaintiff also hereby amends its complaint to alter the defendants against which claims are asserted as identified below. To the extent defendants were previously sued in plaintiff(s)’ existing complaint and they are no longer identified as defendants herein, they have been dismissed without prejudice except as limited by CMO-1, Section 6(e). Doc. #: 232.

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<sup>1</sup> Docket #: 513 is the redacted Summit Second Amended Complaint and Docket #: 514 is the unredacted Summit Corrected Second Amended Complaint filed under seal in Case No. 1:17-md-02804-DAP. The redacted Summit Corrected Second Amended Complaint is also filed in its individual docket, Case No. 1:18-op-45090-DAP, Docket #: 24.

**INCORPORATION BY REFERENCE OF EXISTING COMPLAINT**

1. Plaintiff(s)' Existing Complaint (*The County of McLennan, Texas, et al. v. Purdue Pharma, L.P., et al. Case No. 6:17-cv-00298-RP-JCM, Doc. # 1*) is expressly incorporated by reference to this Short Form as if fully set forth herein except to the extent that allegations regarding certain defendants that are not listed in section 2 below are dismissed without prejudice.

**PARTIES – DEFENDANTS**

2. Having reviewed the relevant ARCOS data, Plaintiff asserts claims against the following Defendants:

Previously named Defendants:

**Actavis LLC**

**Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.**

**Amerisourcebergen Corp.**

**Cardinal Health**

**Cephalon, Inc.**

**Endo Health Solutions Inc.**

**Endo Pharmaceuticals, Inc.**

**Insys Therapeutics, Inc.**

**Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc.**

**Janssen Pharmaceuticals, Inc.**

**Johnson & Johnson**

**McKesson Corp.**

**Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc.**

**Purdue Pharma, Inc.**

**Purdue Pharma, L.P.**

**The Purdue Frederick Company**

**Teva Pharmaceutical Industries, Ltd.**

**Teva Pharmaceuticals USA, Inc.**

**Watson Laboratories, Inc.**

Defendants being added based on ARCO data reviewed:

**SpecGx, LLC**

**Mallinckrodt, LLC**

**Actavis Pharma, Inc.**

**Par Pharmaceutical**

**West-Ward Pharmaceuticals Corp.**

**Purdue Pharma, L.P.**

**Indivior, Inc.**

**Mylan Pharmaceuticals, Inc.**

**Sandoz, Inc.**

HEB Grocery Company, LP  
AmerisourceBergen Drug  
Walgreens Company  
Wal-Mart  
McKesson Corporation  
Cardinal Health  
Morris Dickson Company  
CVS  
Albertsons Inc. #04205  
CVS Pharmacy, Inc.  
HEB Pharmacy  
Target Stores A Div. of Target Corp.  
Walgreen Co.  
Wal-mart Pharmacy

To the extent a claim is not asserted against a particular defendant, so indicate below. Otherwise each claim will be deemed to be asserted against all Defendants (except for the RICO claims identified below).

**I, Craig Cherry, Counsel for Plaintiff(s), certify that in identifying all Defendants, I have followed the procedure approved by the Court and reviewed the ARCOS data that I understand to be relevant to Plaintiff(s).**

**I further certify that, except as set forth below, each of the Defendant(s) newly added herein appears in the ARCOS data I reviewed.**

**I understand that for each newly added Defendant not appearing in the ARCOS data I must set forth below factual allegations sufficient to state a claim against any such newly named Defendant that does not appear in the ARCOS data.**

**The following newly added Defendant(s) *do not appear* in the ARCOS data I reviewed:**

**Mallinckrodt, LLC**

Factual Allegations Regarding Individual Defendants

**Mallinckrodt, LLC and SpecGx, LLC (identified in McLennan County ARCOS data) (collectively referred to as “Mallinckrodt”) and their DEA registrant subsidiaries and affiliates, are or have been in the business of manufacturing, marketing, selling, and distributing opioids throughout the United States, including generic formulations of morphine sulfate, extended release morphine sulfate, fentanyl transdermal, oral transmucosal fentanyl citrate, oxycodone with acetaminophen, hydrocodone bitartrate and acetaminophen, and others. Mallinckrodt is the largest supplier of opioid pain medications and among the top ten generic pharmaceutical manufacturers in the United States, based on prescriptions.**

**Dated: March 15, 2019**

**Signed: /s/ Craig Cherry**

**COMMON FACTUAL ALLEGATIONS**

3. By checking the boxes in this section, Plaintiff hereby incorporates by reference to this document the common factual allegations set forth in the *Summit County* Pleadings as identified in the Court's Order implementing the Short Form procedure. Doc. #: .

- ☒ Common Factual Allegations (Paragraphs 130 through 670 and 746 through 813)
- ☒ RICO Marketing Enterprise Common Factual Allegations (Paragraphs 814-848)
- ☒ RICO Supply Chain Enterprise Common Factual Allegations (Paragraphs 849-877)

4. If additional claims are alleged below that were not pled in Plaintiff's Existing Complaint (other than the RICO claims asserted herein), the facts supporting those allegations must be pleaded here. Plaintiff(s) assert(s) the following additional facts to support the claim(s) identified in Paragraph 6 below (below or attached):

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**CLAIMS**

5. The following federal **RICO causes of action** asserted in the *Summit County* Pleadings as identified in the Court's implementing order and any subsequent amendments, Doc. #: 1282, are incorporated in this Short Form by reference, in addition to the causes of action already asserted in the Plaintiff(s)'s Existing Complaint (check all that apply):

- ☒ First Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Marketing Enterprise (Against Defendants Purdue, Cephalon, Janssen, Endo and Mallinckrodt (the “RICO Marketing Defendants”)) (*Summit County* Pleadings, Paragraphs 878-905)
- ☒ Second Claim for Relief – Violation of RICO, 18 U.S.C. § 1961 *et seq.* – Opioid Supply Chain Enterprise (Against Defendants Purdue, Cephalon, Endo, Mallinckrodt, Actavis, McKesson, Cardinal, and AmerisourceBergen (the “RICO Supply Chain Defendants”)) (*Summit County* Pleadings, Paragraphs 906-938)

6. Plaintiff asserts the following **additional claims** as indicated (below or attached):

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7. To the extent Plaintiff(s) wish(es) to **dismiss claims** previously asserted in Plaintiff(s)'s Existing Complaint, they are identified below and will be dismissed without prejudice.

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WHEREFORE, Plaintiff(s) prays for relief as set forth in the *Summit County* Pleadings in *In Re National Prescription Opiate Litigation* in the United States District Court for the Northern District of Ohio, MDL No. 2804 and in Plaintiff's Existing Complaint as has been amended herein.

Dated: March 15, 2019

/s/ Craig Cherry  
*Attorney for Plaintiff(s)*

<p><b>Respectfully submitted,</b></p> <p><b>HARRISON DAVIS STEAKLEY</b> <b>MORRISON JONES, P.C.</b></p> <p>By: <u>/s/ Zollie C. Steakley</u> <b>Zollie C. Steakley</b> Texas Bar No. 24029848 <a href="mailto:Zollie@TheTrialLawyers.com">Zollie@TheTrialLawyers.com</a> <b>Matt Morrison</b> Texas Bar No. 24028602 <a href="mailto:Matt@TheTrialLawyers.com">Matt@TheTrialLawyers.com</a> <b>Stephen E. Harrison</b> Texas Bar No. 09126800 <a href="mailto:Steve@TheTrialLawyers.com">Steve@TheTrialLawyers.com</a> <b>Zona Jones</b> Texas Bar No. 10887600 <a href="mailto:Zona@TheTrialLawyers.com">Zona@TheTrialLawyers.com</a> <b>Bryan Harrison</b> Texas Bar No. 24062769 <a href="mailto:Bryan@TheTrialLawyers.com">Bryan@TheTrialLawyers.com</a> 5 Ritchie Road Waco, Texas 76712 (254) 761-3300 (254) 761-3301 (facsimile)</p>	<p><b>HALEY &amp; OLSON, P.C.</b></p> <p>By: <u>/s/ Craig D. Cherry</u> <b>Craig D. Cherry</b> Texas Bar No. 24012419 <a href="mailto:Ccherry@haleyolson.com">Ccherry@haleyolson.com</a> <b>Herbert Bristow</b> Texas Bar No. 03020500 <a href="mailto:Hbristow@haleyolson.com">Hbristow@haleyolson.com</a> <b>Benjamin Evans</b> Texas Bar No. 24081285 <a href="mailto:Bevans@haleyolson.com">Bevans@haleyolson.com</a> <b>Brandon Oates</b> Texas Bar No. 24032921 <a href="mailto:Boates@haleyolson.com">Boates@haleyolson.com</a> 100 Ritchie Road Suite 200 Waco, Texas 76712 (254) 776-3336 (254) 776-6823 (facsimile)</p>
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**ATTORNEYS FOR MCLENNAN COUNTY**